

AMENDED IN ASSEMBLY JUNE 30, 2011

AMENDED IN ASSEMBLY JUNE 22, 2011

AMENDED IN SENATE MAY 31, 2011

AMENDED IN SENATE MAY 3, 2011

AMENDED IN SENATE MARCH 25, 2011

SENATE BILL

No. 356

Introduced by Senator Blakeslee

February 15, 2011

An act to add Section 5080.43 to the Public Resources Code, relating to state parks.

LEGISLATIVE COUNSEL'S DIGEST

SB 356, as amended, Blakeslee. State parks: local operating agreements.

Existing law authorizes the Department of Parks and Recreation to enter into agreements with any agency of the United States or any city, county, district, or other public agency for the care, maintenance, administration, and control by a party to the agreement, of lands under the jurisdiction of any party to the agreement for purposes of the state park system. Existing law prohibits an operating agreement to be entered into or amended, unless, among other things, the Legislature has reviewed the lease or agreement, or amendment, as part of the annual budget process.

This bill would require the department, if it proposes to fully close a unit of the state park system, with no planned public access, to notify the county or city in which the unit is located. Pursuant to procedures specified in the bill, a county or city would have the opportunity to take

over operations and maintenance of the unit of the state park system. The bill would require the department to enter into negotiations with a county or city that notifies the department of its intention to take over the operation and maintenance of a unit of the state park system in response to the department's notice. The bill would require an agreement entered into to include certain provisions, including a provision that would require the length of the term of the agreement to be not less than one year and not longer than 5 years, with an option to renew upon the conclusion of the agreement.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 5080.43 is added to the Public Resources
2 Code, to read:
3 5080.43. (a) A city or county shall have the opportunity to
4 provide for the operation and maintenance of a unit of the state
5 park system, pursuant to this section, that the state proposes to
6 fully close with no planned public access.
7 (b) (1) If the state proposes to close a unit of the state park
8 system, the department shall notify the county in which the unit
9 is located of the department's intent to close the unit.
10 (2) Upon receiving the notice pursuant to paragraph (1), the
11 county board of supervisors shall have 30 days to respond in
12 writing to the department on whether it will consider voluntarily
13 taking over operation and maintenance of the unit of the state park
14 system that is proposed to be closed. The county may elect to take
15 over operation and maintenance of the unit if a majority of the
16 county board of supervisors votes to do so at a properly noticed
17 public hearing with an opportunity for community stakeholders to
18 be heard. After approval at the hearing, the county shall provide
19 written notice to the department within 75 days of the notice
20 pursuant to paragraph (1) of its intent to take over the operation
21 and maintenance of a unit of the state park system that is proposed
22 to be closed.
23 (c) (1) If the board of supervisors declines to take over operation
24 by failing to respond to the department's notice within the 30-day
25 period, or if a majority of the board opposes taking over operation
26 and maintenance of the unit by a vote at the public hearing,

pursuant to paragraph (2) of subdivision (b), the department shall notify the city in which the unit is located of the department's intent to close the unit.

(2) Upon receiving the notice pursuant to paragraph (1), the city shall have 30 days to respond in writing to the department on whether the city plans to consider taking over operation and maintenance of the unit that is proposed to be closed. The city may elect to take over operation and maintenance of the unit if a majority of the city council members vote to do so at a properly noticed public hearing with an opportunity for community stakeholders to be heard. After approval at the hearing, the city shall provide written notice to the department within 75 days of the notice pursuant to paragraph (1) of its intent to take over the operation and maintenance of a unit of the state park system that is proposed to be closed.

(d) If a county or city provides written notification of its intent to take over the operation and maintenance of a unit of the state park system, pursuant to subdivision (b) or (c), the department shall enter into negotiations to transfer the full responsibilities of operating and maintaining the unit to the county or city. An agreement entered into shall include, but not be limited to, the following provisions:

(1) *State If the full operation of the park is turned over to a county or city, state funding shall not be provided to a county or city to subsidize the cost of operating or maintaining the unit. This paragraph does not preclude the department from entering into an agreement with a county or city to operate a portion of a state park unit or from entering into a comanagement agreement with a local government that involves the sharing of operational and financial responsibilities for the park unit and that has the effect of reducing state costs.*

(2) The county or city shall operate and maintain the unit consistent with the general plan for the unit, or the state park system, as applicable.

(3) Capital improvements or changes in the use of the unit by the county or city shall be subject to approval by the department.

(4) The agreement shall not limit or impair the ability of the county or city to work collaboratively with other local governments to operate and manage the unit, with the approval of the department.

1 (5) The department and the county or city shall agree to the
2 length of the term for which the county or city will operate and
3 manage the unit, which shall not be less than one year and not
4 longer than five years. At the conclusion of the agreement term,
5 the department and the county or city may enter into another
6 agreement pursuant to this section.

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